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9  
10 **BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**  
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12  
13 In the Matter of the Accusation Against:

Case No. **2010-449**

14 **LISA JANE RHED**  
1270 Heidelberg Way  
15 Lodi, CA 95242

**A C C U S A T I O N**

16 **Registered Nurse License No. 470338**

17 Respondent.  
18

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
23 of Consumer Affairs.

24 **License History**

25 2. On or about August 31, 1991, the Board of Registered Nursing issued Registered  
26 Nurse License Number 470338 to Lisa Jane Rhed ("Respondent"). The license was in full force  
27 and effect at all times relevant to the charges brought herein and will expire on February 28,  
28 2011, unless renewed.

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

8. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

1 (c) Be convicted of a criminal offense involving the prescription,  
2 consumption, or self-administration of any of the substances described in  
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
4 record pertaining to, the substances described in subdivision (a) of this section,  
5 in which event the record of the conviction is conclusive evidence thereof.

#### 6 COST RECOVERY

7 9. Code section 125.3 provides, in pertinent part, that the Board may request the  
8 administrative law judge to direct a licentiate found to have committed a violation or violations of  
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case.

#### 11 FIRST CAUSE FOR DISCIPLINE

##### 12 (Criminal Conviction)

13 10. Respondent is subject to disciplinary action under Code section 2761, subdivision (f),  
14 in that Respondent has been convicted of crimes substantially related to the qualifications,  
15 functions, and duties of a registered nurse, as follows:

16 a. On or about March 17, 2009, in the Superior Court of California, County of  
17 Stanislaus, in the case entitled, *People of the State of California v. Lisa Jane Rhed* (Super Ct.  
18 Stanislaus County, 2009, Case No. 1255579), Respondent was convicted on her plea of nolo  
19 contendere of violating Vehicle Code section 23152, subdivision (a) (Drive While Under the  
20 Influence of an Alcoholic Beverage or any Drug or Under Their Combined Influence With A  
21 Prior [02/19/2005 Case No. 032241]), a misdemeanor.

22 The circumstances of the crime are that on or about December 20, 2008, Modesto Police  
23 911 Dispatch received two calls reporting that a Ford Expedition was swerving all over the road  
24 and was driving fast and there was a child in the vehicle. The officer initiated a traffic stop and  
25 after making contact with Respondent, the officer conducted the field sobriety tests. Respondent  
26 performed the tests in a manner consistent with that of a person under the influence of an  
27 alcoholic beverage. Respondent submitted to a blood alcohol test, which later tested .22% B.A.C.

28 b. On or about February 19, 2005, in the Superior Court of California, County of  
San Joaquin, in the case entitled, *People of the State of California v. Lisa Jane Rhed* (Super Ct.  
San Joaquin County, 2005, Case No. 032241), Respondent was convicted on her plea of nolo

1 contendere of violating Vehicle Code section 23152, subdivision (b) (Drive While Having .08%  
2 Blood Alcohol Content, and More), a misdemeanor.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Criminal Convictions Involving the Consumption  
5 of Alcohol Beverage and/or Drugs))**

6 11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),  
7 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in  
8 that Respondent was convicted of crimes involving the consumption of alcoholic beverages  
9 and/or drugs, as set forth in paragraph 10, above.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Use Alcoholic Beverages and/or Drugs to the Extent or  
12 in a Manner Dangerous or Injurious to Herself or Others)**

13 12. Respondent is subject to disciplinary action under Code section 2762, subdivision (a),  
14 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in  
15 that Respondent consumed alcoholic beverages and/or used drugs to an extent or in a manner  
16 dangerous or injurious to herself or others, as set forth paragraph 10, above.

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1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 470338 issued to  
5 Lisa Jane Rhed;

6 2. Ordering Lisa Jane Rhed to pay the Board the reasonable costs of the investigation  
7 and enforcement of this case, pursuant to Code section 125.3; and,

8 3. Taking such other and further action as deemed necessary and proper.  
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10 DATED: 3/18/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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